

**Senate File 361 - Introduced**

SENATE FILE 361  
BY CHELGREN

**A BILL FOR**

1 An Act concerning the legal age for purchasing, possessing, and  
2 consuming wine and beer and making penalties applicable.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 123.3, subsection 24, Code 2015, is  
2 amended to read as follows:

3 24. "Legal age" means for purposes of the possession,  
4 consumption, supplying, purchase, or sale of wine or beer,  
5 nineteen years of age or more, and for purposes of the  
6 possession, consumption, supplying, purchase, or sale of  
7 alcoholic liquor, twenty-one years of age or more.

8 Sec. 2. Section 123.46A, subsection 2, paragraphs c and i,  
9 Code 2015, are amended to read as follows:

10 c. Deliveries shall only be made to persons in this state  
11 who are ~~twenty-one years of~~ legal age ~~or older.~~

12 i. Valid proof of the recipient's identity and age shall be  
13 obtained at the time of delivery, and the signature of a person  
14 ~~twenty-one years of~~ legal age ~~or older~~ shall be obtained as a  
15 condition of delivery.

16 Sec. 3. Section 123.47, subsection 4, paragraph a,  
17 unnumbered paragraph 1, Code 2015, is amended to read as  
18 follows:

19 A person who is eighteen, nineteen, or twenty years of age,  
20 other than a licensee or permittee, who violates this section  
21 regarding the purchase of, attempt to purchase, or consumption  
22 of alcoholic liquor, ~~wine, or beer,~~ or possessing or having  
23 control of alcoholic liquor, ~~wine, or beer,~~ or a person who  
24 is eighteen years of age, other than a licensee or permittee,  
25 who violates this section regarding the purchase of, attempt  
26 to purchase, or consumption of wine or beer, or possessing or  
27 having control of wine or beer commits the following:

28 Sec. 4. Section 123.50, subsection 5, Code 2015, is amended  
29 to read as follows:

30 5. If an employee of a licensee or permittee violates  
31 section 123.49, subsection 2, paragraph "h", the licensee or  
32 permittee shall not be assessed a penalty under subsection 3,  
33 and the violation shall be deemed not to be a violation of  
34 section 123.49, subsection 2, paragraph "h", for the purpose of  
35 determining the number of violations for which a penalty may

1 be assessed pursuant to subsection 3, if the employee holds  
 2 a valid certificate of completion of the alcohol compliance  
 3 employee training program pursuant to section 123.50A at the  
 4 time of the violation, and if the violation involves selling,  
 5 giving, or otherwise supplying any alcoholic ~~beverage, wine,~~  
 6 ~~or beer~~ liquor to a person between the ages of eighteen and  
 7 twenty years of age or selling, giving, or otherwise supplying  
 8 any wine or beer to a person who is eighteen years of age. A  
 9 violation involving a person under the age of eighteen years  
 10 of age shall not qualify for the bar against assessment of a  
 11 penalty pursuant to subsection 3, for a violation of section  
 12 123.49, subsection 2, paragraph "h". A licensee or permittee  
 13 may assert only once in a four-year period the bar under  
 14 this subsection against assessment of a penalty pursuant to  
 15 subsection 3, for a violation of section 123.49, subsection 2,  
 16 paragraph "h", that takes place at the same place of business  
 17 location.

18 Sec. 5. Section 123.187, subsection 3, paragraph a, Code  
 19 2015, is amended to read as follows:

20 a. Wine may only be shipped by a wine direct shipper  
 21 licensee to a resident of this state who is ~~at least twenty-one~~  
 22 ~~years~~ of legal age, for the resident's personal use and  
 23 consumption and not for resale.

24 Sec. 6. Section 123.187, subsection 6, paragraph b, Code  
 25 2015, is amended to read as follows:

26 b. An alcohol carrier licensee shall not deliver wine to  
 27 any person under ~~twenty-one years of~~ legal age, or to any  
 28 person who either is or appears to be in an intoxicated state  
 29 or condition. A licensee shall obtain valid proof of identity  
 30 and age prior to delivery, and shall obtain the signature of an  
 31 adult as a condition of delivery.

32 Sec. 7. Section 321.284, subsection 2, Code 2015, is amended  
 33 to read as follows:

34 2. A person under ~~the legal age of twenty-one,~~ as defined  
 35 in section 123.3, who violates this section is guilty of a

1 violation of section 123.47.

2     Sec. 8. Section 321.284A, subsection 4, Code 2015, is  
3 amended to read as follows:

4     4. A person under the legal age of twenty-one years, as  
5 defined in section 123.3, who violates this section is guilty  
6 of a violation of section 123.47.

7                                   EXPLANATION

8             The inclusion of this explanation does not constitute agreement with  
9             the explanation's substance by the members of the general assembly.

10     This bill changes the legal age for the purchase,  
11 consumption, and possession of wine and beer from 21 years of  
12 age or older to 19 years of age or older.

13     Code section 123.3(24), concerning the definition of legal  
14 age for alcoholic beverage control, is amended to provide that  
15 the legal age for purposes of the possession, consumption,  
16 supplying, purchase, or sale of wine and beer is 19 years of  
17 age or more. The current definition of 21 years of age or more  
18 remains applicable for purposes of alcoholic liquor.

19     Code section 123.46A is amended to authorize the delivery of  
20 alcoholic beverages to persons who are of legal age instead of  
21 21 years of age or older.

22     Code section 123.47(4), concerning the purchase,  
23 consumption, or possession of alcoholic liquor, wine, or beer  
24 is amended to provide that the requirements, and applicable  
25 penalties, apply to the purchase, consumption, or possession of  
26 alcoholic liquor by a person who is 18, 19, or 20 years of age  
27 and to the purchase, consumption, or possession of wine or beer  
28 by a person who is 18 years of age.

29     Code section 123.50(5), concerning criminal and civil  
30 penalties, is amended to reflect that selling, giving, or  
31 otherwise supplying wine or beer to a person who is 19 or 20  
32 years of age is not prohibited. Current provisions relative to  
33 alcoholic liquor are retained.

34     Code section 123.187, concerning the direct shipment of  
35 wine, is amended to reflect that shipments are prohibited only

1 to persons under legal age.

2 Code section 321.284(2), concerning violations for drivers  
3 under the age of 21 possessing open containers in motor  
4 vehicles, is amended to provide that the violations apply to  
5 drivers under legal age, as defined by the bill.

6 Code section 321.284A(4), concerning violations for  
7 passengers under the age of 21 possessing open containers in  
8 motor vehicles, is amended to provide that the violations apply  
9 to passengers under legal age, as defined by the bill.